

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 1, 2006. Claims 17 to 32 are pending in the application. Claims 17, 25, 27, 30 and 32 are in independent form. Reconsideration and further examination are respectfully requested.

In the Office Action, Claims 17 to 28 and 30 to 32 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,965,239 (Yasuda); and Claim 29 was rejected under 35 U.S.C. § 103(a) over Yasuda in view of U.S. Patent No. 6,806,717 (Werner). These rejections are respectfully traversed.

Applicants respectfully submit that Yasuda is not prior art by virtue of the March 28, 2003 filing date of the Japanese priority application, namely Japanese Application No. 2003-089465. It is Applicants' current intention to file a sworn translation of the Japanese priority application. Accordingly, should the Examiner reach this case before a sworn translation has been made part of the record, he is respectfully requested to contact the undersigned.

Furthermore, Yasuda is not prior art for purposes of a rejection under 35 U.S.C. § 103(a), since Yasuda and the present invention were owned by or subject to an obligation of assignment to Canon Kabushiki Kaisha at the time the present invention was made. See 35 U.S.C. § 103(c). Pursuant to MPEP § 706.02(l)(2), the following conspicuous statement is made:

Yasuda and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, withdrawal of the claim rejection based on 35 U.S.C. § 103(a) is respectfully requested.

Turning to Werner, this reference is not seen to disclose or suggest the features of the invention of the subject application.

As understood by Applicants, Werner discloses an electrostatic voltmeter in which a shutter 92 has a plurality or set of openings or windows 94 configured such that a sense probe assembly 90 is selectively exposed through the windows 94 when the shutter 92 is in a first position. When the shutter 92 is in a second position, the sense probe assembly 90, or individual sense probes, is/are covered by the shutter regions 96 interposed between the windows. See Werner, Figure 3; and column 9, lines 13 to 21.

As such, Werner is seen to disclose that all of the sense probes take a common state according to a displacement of the shutter. In other words, when the shutter in Werner is in a first position, all of the sense probes are seen to be exposed; when the shutter is in a second position, all probes are seen to be covered.

Accordingly, Werner is not seen to disclose or suggest the claimed feature of exposing one detection electrode while masking another, as recited in independent Claims 17, 25 and 27.

In addition, Werner is not seen to disclose or suggest the claimed feature that a first detection electrode assembly is exposed to a potential-measured object wider when a movable shutter assumes a first state than when the movable shutter assumes a second state, and a second detection electrode assembly is exposed to the potential-measured object narrower when the movable shutter assumes the first state than when the movable shutter assumes the second state, as recited in independent Claim 30.

Furthermore, Werner is not seen to disclose or suggest the claimed feature that a first electrode is exposed wider when a movable shutter assumes a first state than when the movable shutter assumes a second state, and a second electrode is exposed narrower when the movable shutter assumes the first state than when the movable shutter assumes the second state, as recited in independent Claim 32.

Accordingly, based on the foregoing, independent Claims 17, 25, 27, 30 and 32 are believed to be allowable.

The other claims in the application are each dependent from the independent claims and are believed to be allowable for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed below and on the enclosed Form PTO-1449.

- (1) U.S. Published Appln. No. 2003/0057977
- (2) U.S. Published Appln. No. 2006/0171728
- (3) U.S. Published Appln. No. 2005/0186898
  
- (4) EP 1 003 044
- (5) DE 10044887
  
- (6) Riehl, P.S., "Microsystems for Electrostatic Sensing",  
Dissertation, Nov. 2002, pp. 1-8, 32-40, 79-84.
  
- (7) Hsu, C.H. et al., "Micromechanical Electrostatic Voltmeter",  
Proc. Int'l. Conf. on Solid State Sensors and Actuators, NY,  
IEEE, US, vol. Conf. 6, 24, June 1991, pp. 659-662.

Copies of documents (4) to (7) are enclosed.

English-language abstracts accompany each of documents (4) and (5). The concise explanation of relevance for non-English language documents (4) and (5) is believed to be satisfied by the enclosed English language abstracts. See MPEP § 609.

The subject application has received an Office Action on the merits but has not yet received either a final action or a Notice Of Allowance. Accordingly, this Information Disclosure Statement is filed under 37 C.F.R. § 1.97(c) and is accompanied by the \$180.00 fee specified at 37 C.F.R. § 1.17(p). Consideration of the art cited herein is accordingly deemed proper, and such action is respectfully requested. Additionally, the Examiner is requested to indicate that this information has been considered by initialling the appropriate portion of Form PTO-1449 and returning the initialed form to Applicant with the next communication.

## CONCLUSION

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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